

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON
FEB 27 2012

ALEXANDER SERRANO-SERRANO,
Plaintiff,

v.

PSP TRP. WOLFE, et al.,
Defendants.

CIVIL ACTION NO. 3:11-CV-2257

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, THIS 27th DAY OF FEBRUARY, 2012, IT APPEARING TO
THE COURT THAT:

(1) Plaintiff, Alexander Serrano-Serrano, a prisoner confined at the State Correctional Institution at Camp Hill, Pennsylvania, filed the instant civil rights action pursuant to 42 U.S.C. §1983 on December 6, 2011, based on incidents which occurred while he was confined at the York County Prison;

(2) The action was assigned to Magistrate Judge J. Andrew Smyser for Report and Recommendation;

(3) On January 20, 2012, the Magistrate Judge issued a Report and Recommendation (Doc. 13) wherein he recommended that the plaintiff's amended complaint be dismissed as to four of the seven defendants named there in;

(4) Specifically, the Magistrate Judge found that plaintiff's amended complaint failed to state a claim upon which relief could be granted against defendants Baldwin, Bennett, Doll and PrimeCare Medical;

(5) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his

claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

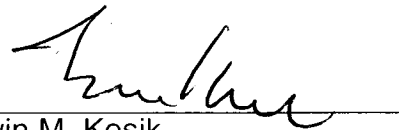
(7) We have considered the Magistrate Judge's Report and we concur with his recommendation that defendants Baldwin, Bennett, Doll and PrimeCare Medical be dismissed from this action for the reasons stated in the Report and Recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge J. Andrew Smyser dated January 20, 2012 (Doc. 13) is **ADOPTED**;

(2) The plaintiff's amended complaint is **DISMISSED** as to defendants Baldwin, Bennett, Doll and PrimeCare Medical; and

(3) The above-captioned action is **REMANDED** to the Magistrate Judge for further proceedings.



Edwin M. Kosik
United States District Judge